



**SPECIAL MEETING OF THE COMMON COUNCIL
MIDDLETOWN, CONNECTICUT
OCTOBER 23, 2012**

Special Meeting	A special meeting of the Common Council of the City of Middletown was held in the Council Chamber on Tuesday October 23, 2012 at 7 p.m.
Present	Mayor Daniel T. Drew, Council Members Thomas J. Serra, Ronald P. Klattenberg, Mary A. Bartolotta, Gerald E. Daley, Robert Santangelo, Hope P. Kasper, Grady L. Faulkner, Jr., Philip J. Pessina, Joseph E. Bibisi, Linda Salafia, and Deborah Kleckowski; Corporation Counsel Daniel B. Ryan and Common Council Clerk Marie O. Norwood.
Absent	Council Members Todd G. Berch.
Also Present	Superintendent of Schools Patricia Charles and Deputy City Attorney Timothy Lynch.
Meeting Called to Order	The Mayor calls the meeting to order at 7:02 p.m. and asks the Superintendent of Schools to lead the public in the Pledge of Allegiance.
Call of Meeting Read	<p>The Call of Meeting was read and accepted. Mayor Drew declares the Call a Legal Call and the Meeting a Legal meeting.</p> <p>The Chair welcomes Councilman Bibisi; he states we are glad to have you back,</p>
Public Comment Opens	<p>The Chair opens the public hearing on agenda items at 7:05 p.m. He recognizes Councilwoman Salafia who would like to make a statement. The Chair asks what kind of statement. Councilwoman Salafia responds she would like to recuse herself. The Chair states the time to do that is when it is time to vote.</p> <p>Superintendent of Schools Patricia Charles comes forward to thank the Mayor for the opportunity to work so closely with the City to resolve Local 466 issues and the myriad of grievances and litigation that is outstanding and to move the Board of Education forward with a clean slate and we can focus on the business of educating our children. She knows it was in the works and it has been three years of problems; she finds it amazing it could be done. To have the opportunity for a clean state, she can't tell you how much she appreciates it.</p> <p>Deputy City Attorney Tim Lynch echoes these comments and commends the Mayor for working it out and the Mayor's quick understanding of the issues and it is a good deal for the City. He states he will respond to questions if the Council has any.</p> <p>Councilman Serra is recognized and states on the Settlement Agreement. The Chair states before questions, he would like to close the public hearing.</p>
Public Comment Closes	<p>The Chair, seeing no further comments, closes public comment at 7:07 p.m.</p> <p>Councilman Serra states it will be down to \$100,000, but for next year's budget, will you have to budget for the \$259,000. Dr. Charles states they will have to budget for the increases, yes. Councilman Serra states the City found the money for this. Dr. Charles responds it is less than what they thought it would be. Councilman Serra states next year you will have to budget more. Dr. Charles states yes they will have to budget it next year.</p> <p>Councilwoman Kleckowski states her questions are for Attorney Lynch. She has two questions and asks if he has the contract in front of him. She states on item 10, there is no cost in reference to cafeteria rates where it says 182 hours at a cost of and there is no specific cost. Attorney Lynch responds that may be a prior draft and that cost may have been put in. There were some employees that only wanted time restored and costs were removed. Councilwoman Kleckowski asks if nurses were paid by the Board of Education or the City. Attorney Lynch responds it depends on the line item; if they are Local 466. The Chair states they are Board of Education employees; they fall under their auspices and are paid by the Board of Education. Councilwoman Kleckowski thanks the Chair.</p>

Councilwoman Kasper asks Dr. Charles, the original calculation, I think part of the employee benefit package includes the pension and because the pension has done so well, there won't be a cost associated with the Board of Education for retirement. Dr. Charles states that is why the cost was reduced from what we originally thought it was going to be.

Point of Information

Councilwoman Salafia states in regards to the nurses, they were paid through the Board of Education through the expenditure item and now they will be paid through payroll.

Councilman Faulkner states his question on the number that we spent \$800,000 in attorney fees. The Chair states that is in my letter to you; that is what we spent on the City side only and that is all the cases and the dollars spent in three years. A good portion is from this. Councilman Faulkner states how do we get authorized to spend that kind of money when it doesn't come through the Council. The Chair responds the money was budgeted for outside counsel and the money came from the Insurance Fund for defensible claims and did not fall under that and there were no monetary damages but redress, who had the power to do what under Charter and Statute and because it wasn't monetary, the Insurance Company refused to pay for it. Councilman Faulkner states we have to review procedures and he doesn't know who authorized these payments and we need to look at that process. There should always be a case number assigned, if we are making payments. That was the biggest issue he had and he had some questions on nurses, but will leave it. He asks about the floaters for the cafeteria workers. The Chair responds there were a number of floaters and Councilwoman Salafia can add her comments; what had happened is, the previously cafeteria floaters were used to augment the need to hire full time cafeteria workers as in the Union. The Superintendent, myself, and Board Chair and Vice Chair agreed it wasn't a proper practice. The Chair continues there were a number of people coming in, in lieu of hiring a full time person. Councilwoman Salafia states the Board of Education, in several cases would hire, but not through the normal process, and they would do Union duties, outside the Union contract and that is most of the complaints. It was supplementing Union duties with non-Union workers. It is how they arrived on the job. Councilman Faulkner asks how do we stay out of these situations in the future; what has to be done. The Chair replies in this agreement, we have done it. I would say in the Prior City and Board of Education administration, there is plenty of blame and now we are fixing it and agreed to cooperate on these issues. We are committed to working together and as we do that, as problems come up, we will deal with them. We have worked on other issues and can work on these as well.

The Chair asks if there are further questions. Seeing none he closes the Questions to Directors.

The Chair asks the Clerk to read the Appropriation Request and Certificate of the Director of Finance:

Appropriation Notice

MAYOR'S OFFICE
MUNICIPAL BUILDING

Notice is hereby given that a regular meeting of the Common Council of the City of Middletown will be held in the Council Chamber of the Municipal Building on **TUESDAY, OCTOBER 23, 2012 AT 7:00 p.m.** to consider and act upon the following appropriation requests:
Mayor's Office \$259,533, Settlement BOE and Local 466, General Fund.
Board of Education

Any and all persons interested may appear and be heard.

ATTEST:
DANIEL T. DREW
Mayor

Certificate of Director
Of Finance

To: His Honor Mayor Daniel T. Drew
and Members of the Common Council
From: Finance
Date: October 22, 2012
RE: Certification of Funds

This is to certify that funds sufficient to meet the appropriations requested at your meeting of October 23, 2012 are available as follows:

General Fund \$259,533
Respectfully submitted,
Carl Erlacher

Motion to Amend

Councilman Serra is recognized and states this is sponsored by the Mayor and Board of Education and he would like to make a friendly amendment to reduce the request to \$100,000; Councilman Pessina seconds the motion. The Chair asks him to explain why he is making a motion to reduce.

Councilman Serra states the individuals that were able to reduce this, Linda MacPherson, Diana Doyle and Carl Erlacher came up with some numbers for this fiscal year for pension and health benefits because we are solvent in those areas. Therefore it saved \$159,553 and it is nice to see. We will deal with this next year.

Councilman Serra reads and moves for approval an appropriation request for \$100,000 for the Settlement Agreement; his motion is seconded by Councilman Santangelo.

Councilman Serra states he would like to speak to the underlying motion.

The Chair states we should take a vote on reducing the request to \$100,000; the vote is called and it is ten affirmative votes by Council Members Serra, Klattenberg, Bartolotta, Daley, Santangelo, Kasper, Faulkner, Pessina, Bibisi, and Kleckowski and one abstention by Councilwoman Salafia. The Chair states the amendment passes unanimously with ten affirmative votes and one abstention.

The Chair recognizes Councilman Serra who states kudos and commendations to Dr. Charles and Dr. Nocera and the present Board of Education for acknowledging what needed to be done and doing it. He also gives kudos to Ms MacPherson, Ms Doyle, Mr. Erlacher and Local 466 members, Dr. Larson, Dr. Sullivan, the Mayor and Joe Samolis. For me, after 3 years and after \$1.4 million of legal fees, this is finally a breathe of cooperative fresh air. Hopefully it will continue. We will help you to move forward with this tonight.

Councilwoman Salafia states she came in to recuse herself. She has been involved with this for the last nine years and it has been emotional. She states she is 99% sure she would not agree with most Council members about how we got here. Nine years ago, she missed a Union meeting and was elected an officer and she has been involved with this for that length of time. It is hard for her to say okay it is done, but this agreement is good. This is a negotiated settlement; both sides sat down. It was two parties. If it had just been her at the table, they would not be here. It was both parties participating and she is proud of the Union for doing this and not that she doesn't agree with the settlement. In all of this, sometimes the Union got a negative connotation and that was not fair to the Union. We should recognize the role Unions play in the City; you have a lot of City employees and you need a contract because it tells you what you can expect from the Union and what the Union expects from the City. It is important to recognize the role the Unions play. It is a good settlement agreement. She will not vote on these and has given her arguments, often loud. She is in favor of it and will not technically vote and she hopes Councilwoman Kasper will not vote. Councilwoman Salafia recuses herself at this time.

The Chair states for the record, when you were still a Union officer and you retired, you sat in on the first two or three negotiation sessions and that is why you are recusing yourself. Councilwoman Salafia responds yes.

Councilman Pessina echoes what Councilman Serra said. This is a new day as the Superintendent stated. We need to listen to what she said at the end about educating our children by not having this cloud over the Board of Education and the City. We have the opportunity to focus in on the Board of Education for educating our children. He thanks the Mayor for coordinating this with the goal to support and educate the children of Middletown.

Councilman Daley states certainly he will be supporting the global settlement; however, I feel compelled to say that he commends the Union, Dr. Charles and the Mayor and everyone involved in negotiations because you came to a settlement. He assumes no one is entirely happy or dissatisfied and it is a good thing to get us out of a situation we have had over the number of years. The average citizen will see it is a big bill and the schools need to look for a way to reduce costs and save money. He is supporter of education and he is glad the Board of Education can focus on that. The Governor can't make promises for State aid next year. The State fiscal situation is shaky. We should remember we are here because whoever was responsible didn't act in a mature, responsible way. The Council expects the Board of Education will follow the Charter and Personnel rules and contracts. He is confident that if players were different, these issues may not have occurred. All of us bear responsibility for not stopping it sooner. I don't feel right that writing a check for \$100,000 is the right thing but that is what we are doing.

Councilwoman Kasper states for the record, she does not have a conflict of interest. I was not part of these negotiations or have any part of the settlement agreement but I would like to say with this agreement and what has happened in the past, it will give the Board of Education and the administration the opportunity to move ahead fresh without anything that has happened in the past and to appropriate \$100,000 is a lot of money, but from the agreement actual grievances by employees will be resolved. She is out in the community and gets approached by members of the community and they have told her it is like breathing fresh air into the district. She has heard there is an improvement and she will be supporting this.

Councilwoman Kleckowski states I have mixed feelings about this. She commends the union members who came forward three years ago. Hope and I were in that initial meeting. They were scared for their jobs and what would happen. It was a hostile work environment and City workers stepped forward regarding these issues. My concern is and what the burden is to the Board of Education; because of the inability of administrators to recognize the Local 466 contract, the City is paying the price of that. She has heard teachers are happier and good things are happening and that said, I still have concerns and she is curious what is the Board's burden.

The Mayor states to take employees on in their regular budget in accordance with the union contract. The issues are far more complicated than not following the contract. There were multiple lawsuits and to date we have settled one of them and this will take care of all the other problems. We provide the Board with an appropriation and it comes from the taxpayers of the City of Middletown. The money for this does not exist in the Board of Education's budget. Superintendent Charles doesn't have the wiggle room in the budget. This was a concern for us and by not doing this we would be in the mind set of us versus them. To move forward and put the issues behind us, we need to give Superintendent Charles and Board Chairman Nocera and the Board of Education members, my office and the Council a completely new slate to begin working out how to get the district to the front of the line. Councilwoman Kleckowski asks if the Board of Education voted on this. The Mayor states they did last Thursday and it was a unanimous vote and the Union ratified it two hours later with an overwhelming vote.

Point of Information

Councilman Serra states we as council have no authority over the Board of Education and that was part of the problem. The Board of Education is an autonomous body and has the authority over the education of our children. All we have is the Mayor hiring noncertified employees authority. Doing it this way, it will help us direct the educational budgeting for next year. The present Board and Superintendent's Office acknowledged what needed to be done and did it and conversely the other Board of Education must not have done anything.

The Chair, hearing no further discussion, calls for the vote, asking all those in favor to say aye. The vote is ten aye votes by Council Members Serra, Klattenberg, Bartolotta, Daley, Santangelo, Kasper, Faulkner, Pessina, Bibisi, and Kleckowski, and one abstention by Councilwoman Salafia. The Chair states the matter passes unanimously ten affirmative votes and one abstention.

Mayor's Office
Board of Education
(Amended and Approved)

**\$100,000, Account No. 2450-33000-59405-0000-03025,
Settlement BOE and Local 466, General Fund.**

Agenda Item 6-1

Councilman Serra reads and moves for approval agenda item 6-1; his motion is seconded by Councilman Pessina. The Chair asks for discussion; hearing none, he states before he calls for the vote he would like to thank Superintendent Charles and Gene Nocera, the Executive Board of Local 466 and President Jeff Daniels and the Staff of Council 4; this took eleven months of negotiation. We settled one lawsuit last year and this year we are settling more than 30 pieces of litigation and it wipes the slate clean. He states he appreciates your support and having a strong partner in our new Superintendent and Board of Education.

The Chair calls for the vote. Councilwoman Salafia states she is abstaining because she participated in the negotiations. The vote is ten aye votes by Council Members Serra, Klattenberg, Bartolotta, Daley, Santangelo, Kasper, Faulkner, Pessina, Bibisi, and Kleckowski, and one abstention by Councilwoman Salafia. The Chair states the matter passes unanimously ten affirmative votes and one abstention.

Resolution No.
File Name
Description

(Approved)

199-12
moboesettleagree466
Approving the Settlement Agreement between the City of Middletown,
Board of Education and Local #466.

WHEREAS, the parties to several legal issues have pledged to work cooperatively with each other to resolve these disputes and have come to an agreement regarding them.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That the Settlement Agreement, between the Middletown Board of Education, City of Middletown and Local 466, Council #4 of AFSCME to resolve each and every currently pending legal issue between and among them, be approved and the Mayor is authorized to sign said agreement.

Motion to Adjourn

Councilman Serra moves to adjourn and his motion is seconded by Councilman Pessina. The Chair calls the vote and it is unanimous to adjourn. The meeting is declared adjourned at 7:41 p.m.

ATTEST:

MARIE O. NORWOOD
Common Council Clerk